

Application No. 10/735,645

**In the claims:**

1. (currently amended) An article comprising:

a facet prosthesis at least partially mounted in a lumen artificially formed between superior and inferior halves of a facet joint; and

an elastomeric cushioning element disposed in said facet prosthesis, wherein said elastomeric cushioning element includes first and second mechanical fasteners at opposite ends thereof which are attachable to superior and inferior halves of the facet joint, and wherein said elastomeric cushioning element is axially compressed and expands radially outwards upon axial movement of said first and second mechanical fasteners towards each other and against said elastomeric cushioning element.

2-3. (canceled)

4. (currently amended) ~~The~~An article ~~according to claim 2, comprising:~~

a facet prosthesis at least partially mounted in a lumen artificially formed between superior and inferior halves of a facet joint; and

an elastomeric cushioning element disposed in said facet prosthesis, wherein said elastomeric cushioning element includes first and second mechanical fasteners at opposite ends thereof which are attachable to superior and inferior halves of the facet joint,

wherein said first and second mechanical fasteners comprise an expandable sleeve member, the facet prosthesis further comprising a wedge insertable into said expandable sleeve member, wherein the sleeve expands radially upon insertion of the wedge into the sleeve.

5. (original) The article according to claim 4, wherein said expandable sleeve member has an axial slit formed therein.

6. (currently amended) ~~The~~An article ~~according to claim 1, comprising:~~

a facet prosthesis at least partially mounted in a lumen artificially formed between superior and inferior halves of a facet joint; and

an elastomeric cushioning element disposed in said facet prosthesis, wherein said elastomeric cushioning element includes a plurality of elastomeric balls disposed in said lumen and sealed in said lumen with end caps.

7. (currently amended) The article according to claim ~~1~~4, wherein said elastomeric cushioning element includes a wire coil coated with an elastomeric material disposed in said lumen and sealed in said lumen with end caps.

8. (original) The article according to claim 7, wherein said wire coil is constructed of a shape memory alloy.